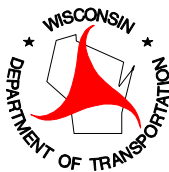


Pretrial Intoxicated Driver Intervention Grant Program

Annual Evaluation Report

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Pretrial Intoxicated Driver Intervention Grant Program

EXECUTIVE SUMMARY

- Pretrial intervention programs, better known as intensive supervision programs (ISP), are designed to get repeat drunk drivers into counseling, treatment and monitoring as soon as possible after arrest and before conviction.
- The goal of any ISP model program is to increase the effectiveness of intervention efforts designed to minimize the likelihood that a driver will re-offend.
- Wisconsin's first ISP model program began as a pilot program in 1993 in Milwaukee County, using federal Section 410 Alcohol Incentive Grant funding administered by the Wisconsin Department of Transportation.
- State funding for ISP programs was authorized in the 1997-1999 state budget. With that funding decision, the Legislature required the Department of Transportation to prepare biennial reports evaluating the effectiveness of ISP programs.
- In 1998, ISP programs were established in Kenosha, Eau Claire and Marathon Counties. Additional ISP programs started in Waukesha County (1999), Chippewa, Forest, Vilas, Oneida, and Racine Counties (2000), and Portage, Trempealeau and Sheboygan Counties (2002).
- The range and delivery of client services in the ISP programs vary, reflecting the needs and objectives of the community, as defined by the district attorney, circuit court judges, county sheriff, and the defense bar.
- In total, over 2,000 repeat drunk drivers per year receive services in the 13 counties that operate ISP programs, with a successful client completion rate of 79%.
- Long-term analysis of drunk driving recidivism by clients in the four longest running ISP programs indicates:
 - ISP clients were less likely to be re-arrested for drunk driving (22% of ISP clients from July-December 1998 have been re-arrested once vs. 37% for non-clients)
 - ISP clients who did recidivate went a longer time to re-arrest (average 678 days for ISP clients from July-December 1998 vs. 371 days for non-clients)

Pretrial Intoxicated Driver Intervention Grant Program

Introduction

The statutory name for this effort is Pretrial Intoxicated Driver Intervention Grant Program. A more familiar name to those directly involved with this effort is Pretrial Intensive Supervision Program. That is the identifier this report will use.

In Wisconsin, the Pretrial Intensive Supervision Program (ISP) model has shown great promise as an effective way to reduce OWI recidivism. The Pretrial ISP is an intervention program designed to get the offender into counseling, treatment and monitoring as soon as possible after the arrest and before conviction. The theory is that the effectiveness of intervention efforts increases as the time between the unwanted behavior and resulting legal sanctions decreases. This early intervention and monitoring prior to conviction/sentencing is what makes Wisconsin's Pretrial ISP model unique.

This report describes the ISP programs currently operating in Wisconsin and evaluates their effectiveness at reducing the recidivism rate of the OWI offenders who successfully complete the programs.

Background

In 2001, 38,731 individuals were arrested in Wisconsin for Operating While Intoxicated (OWI).¹ In 2001, repeat offenders (i.e. drivers with at least one prior OWI conviction) represented 36.2% (11,650) of all OWI offenders convicted in 2001; most of these repeat OWI offenders (6,213) were second offenders.

Historically, Wisconsin, like most states, has relied on a mix of fines, driver license sanctions, and incarceration to penalize convicted drunk drivers. In fact, state law requires that all repeat OWI offenders spend at least five days in jail as part of the punishment for the offense. Some repeat offenders also have sanctions placed on their vehicles (e.g. seizure, immobilization, or installation of ignition interlock devices). However, experience has shown that the current array of penalties does not effectively alter drinking and driving behavior for all individuals with alcohol-related problems.

Before 1990, there were few alternatives to legal sanctions that could be used to modify the behavior of individuals believed to be at risk of a repeat alcohol-related driving offense. Since then, however, a variety of innovative public policies have been designed that, through education and rehabilitation, attempt to change the drinking and driving behavior of persons convicted of an OWI offense. Many of these efforts emphasize intervention as early as possible in an individual's drinking and driving career.

¹ OWI arrests and OWI convictions are two different numbers. OWI convictions and OWI offenders are also two different numbers.

The Pretrial ISP model was introduced in Wisconsin in 1993, when Milwaukee County received federal Section 410 Alcohol Incentive Grant funding through the Wisconsin Department of Transportation (WisDOT) to establish a pilot pre-trial intensive supervision program for repeat drunk drivers. The objectives of the program were to make the community safer by reducing OWI recidivism and the costs associated with incarceration of the offenders.

The Milwaukee County ISP program was evaluated in 1996 by the Mid-America Research Institute in a study sponsored by the National Highway Traffic Safety Administration (NHTSA). The evaluation determined that the program reduced recidivism among program participants by about one-half compared to repeat offenders who did not participate in the program. Cost savings for jail facilities and the reduction in recidivism were other noteworthy benefits of the Milwaukee County ISP program, and it was considered to be a successful model that other communities across the nation should emulate.

Since that time, continued federal Section 410 funding and new state funding administered by WisDOT has enabled other Wisconsin counties to develop and implement their own versions of the Pre-Trial ISP program model. Three of these programs (in Kenosha, Eau Claire, and Marathon Counties) began operation in 1998. A fourth ISP program, in Waukesha County, became fully functional in April 1999. Two additional ISP programs, in Chippewa County and a three-county cooperative effort in Forest, Vilas, and Oneida Counties, started up in early 2000. Racine County began its ISP program in July 2000. Portage, Trempealeau, and Sheboygan Counties began their ISP programs during 2002.

To implement a new ISP program and qualify for state funding, a county must be willing and able to contribute a local portion of the necessary funding, which could include program revenues from client fees, funding from county or municipal budgets, or funding from other local public or private sources. The local portion of program funding is supplemented according to a cost-sharing formula with funds allocated to the Pretrial ISP statewide support program by WisDOT from available federal Section 410 funding and from a state-funded grant program specifically created for ISP programs by the Wisconsin Legislature in the 1997-99 state budget.

As shown in Table 1, in the first year of ISP program operation, the local share of program revenues must meet at least 25% of the cost of the program. The remaining 75% non-local funding share is split between available federal and state funding sources.

TABLE 1: Annual ISP Program Funding Source Allocation Schedule

	Local Funding Share	Federal and State Funding Share	Federal and State Funding Split	
			Federal Section 410 Funding	State ISP Grant Program Funding
Year 1	25%	75%	67%	33%
Year 2	30%	70%	50%	50%
Year 3	35%	65%	33%	67%
Year 4	50%	50%	0%	100%

Currently, WisDOT provides first year non-local funding via two-thirds federal Section 410 funds and a matching one-third share with Wisconsin ISP Grant Program funds. In the second year of funding, the local share increases to 30%, while the remaining 70% non-local share is split 50/50 between federal and state sources. By the fourth year of operation, there is no federal funding involved, and the local and non-local shares are split 50/50, with 100% of the non-local share coming from available Wisconsin ISP Grant Program funds.

Wisconsin's Intensive Supervision Programs

All ISP programs in Wisconsin have implemented similar models of intervention for repeat OWI offenders within the context of pre-trial services. In summary, each ISP program possesses these core elements:

- Centralized screening, review, and assessment of repeat OWI cases by program caseworkers in coordination with the District Attorney and the courts
- Provision for a period of community supervision of repeat offenders from the time of arrest and formal charging through final adjudication
- Development and coordination of an array of interventions for the offender while under community supervision (e.g. alcohol/drug abuse treatment, periodic breath tests and urine analysis, attendance at victim impact panels, and a coordinated alcohol and other drug abuse assessment and evaluation process)

While similar to each other in these core elements, each of the county ISP programs are different in ways designed to best fit the needs, abilities and interests of the clients, social service agencies, prosecutors, and courts in their communities.

The following brief description of each of Wisconsin's existing ISP programs illustrates these important similarities and differences. The ISP programs are described in chronological order by their start up dates.

Milwaukee County

JanMarie Lambert, Program Director 414/223/1318 jlambert@wiscs.org

Wisconsin Correctional Service (WCS), a private non-profit social service agency, has administered the Milwaukee County Pretrial Intoxicated Driver Intervention Program since the program began in 1993.

Participants enter the Milwaukee ISP program either voluntarily or by court referral or order. In the early years of program operation, all client admissions were voluntary participants, but now the majority of participants are mandated by the courts to participate in the program as a condition of release from custody.

Not every second or subsequent OWI offender participates in the program. Only offenders who have committed a second or subsequent OWI offense; who have been released on bail or on personal recognizance; and who have not been charged with a more serious offense, are permitted in the program. If an individual is detained pending an intake court appearance, referral to the program can occur through the Pretrial Service Central Intake Unit. More frequently, however, the Intake Traffic Court or the first appearance in court will generate their entry into the program.

Participants remain in the program until final adjudication of their OWI case. Program length is based on the time it takes for the case to reach final adjudication. This is normally around 90 to 120 days following arrest, but may be shorter or longer depending on the circumstances of the case and the court calendar. On average, there are 50 new admissions every month.

Once admitted to the ISP program, an alcohol and drug abuse (AODA) needs assessment must be conducted. Defendants who are covered by private insurance are referred directly to their healthcare provider to conduct the assessment and to determine the level of treatment that will be covered. Indigent or uninsured defendants are referred to IMPACT, Inc. for AODA assessment. IMPACT, Inc. will then issue a voucher to a county-funded healthcare provider so treatment can begin.

Defendants are initially scheduled for two office visits per week with their case manager. They are subject to random drug/alcohol testing, and they receive referrals to community based treatment and any other supportive services that will minimize behavior that could lead to re-arrest or failure to appear at a scheduled court hearing. If the client is compliant, the required office visits are reduced to once a week.

The treatment modality depends on the assessment by the healthcare provider or IMPACT, Inc. Some defendants enter inpatient or residential treatment followed by outpatient care. Most are provided a combination of individual and group outpatient sessions for a term limited by the insurance. Victim Impact Panels are cosponsored by TCS and the AODA Prevention Program at Milwaukee Area Technical College and are held every 3 – 4 months. OWI Project clients are required to attend a Victim Impact Panel as attendance at a VIP is a protocol of the program.

Should a program client miss an appointment, they are telephoned to determine the reason the appointment was missed. If the phone call does not lead to contact, then the client is mailed a letter telling them to contact their caseworker immediately. If appointments are not kept or program conditions are not met, program staff may ask the court to admonish and warn the client. Reports on program compliance are filed with the court of jurisdiction at every scheduled event. Missed appointments and positive drug tests are reported as they occur. Milwaukee County allows for the possibility of issuing a bench warrant if the participant fails to appear for trial or sentencing.

The Milwaukee ISP program maintains a client database that records all activity, cases, court appearances and arrests as they occur. Case dispositions are entered as well as referrals and treatment outcomes. The cases are closed shortly after sentencing. If a subsequent arrest for OWI occurs, the client's new charge is added to his/her history in the database.

The ISP program continues to enjoy support from the Milwaukee Circuit Court judges who cite the program as one of the most important resources the courts have for dealing with repeat OWI offenders. Treatment providers are also supportive. They realize that program supervision of clients results in better treatment compliance. When Mothers Against Drunk Driving (MADD) was active in Milwaukee, the group was also supportive of the program and was involved in promoting the initial pilot project. The program also gets annual financial support from Miller Brewing Company.

Kenosha County

Holly Patzer, Administrator 262/544-5431 hpatzer@wisconsin.gov

Since April 1998, under the direction of the Kenosha County Sheriff Department, Wisconsin Correctional Service (WCS) has administered the county's Pre-Trial Intensive Supervision Program. The program is voluntary for second or more offenders and carries a client fee of \$200, with possible waivers for indigents.

Defendants who are released on bail or a personal recognizance bond are stipulated to cooperate with pre-trial supervision. WCS operates a general pretrial supervision program in addition to the Intoxicated Driver ISP. Defendants are ordered by the Court to WCS pretrial general supervision at which time program staff explain the benefits of being in the ISP. The defendant is not mandated, but may choose to enroll in the ISP. The Court's position is that it should not mandate a program that requires a fee. Therefore, if the defendant chooses not to be in the ISP, typically because they do not want to pay the fee, they are still required to report to WCS. However, these defendants are not required to access treatment and are not entitled to any sentencing consideration as a result.

At the intake interview, staff collects information regarding the defendant's employment background, use of alcohol and drugs, treatment history, and family information. Information is also gathered on the individual's past driving record and prior contacts with the criminal justice system. A supervision plan is then developed based on the background and assessment information.

Offenders who do choose to participate in the ISP are encouraged to complete a Driver Safety Plan, and the recommended level of treatment, as soon as possible. This participation allows the judge to take program participation into consideration at the time of sentencing. It also gives the defendant earlier insight to their alcohol problem.

The Kenosha County ISP program requires the defendant to report on a random basis to the program provider. This is usually more times per week than originally ordered as a condition of bond. While in the program, participants are subject to random drug and alcohol tests and must attend a Victim Impact Panel organized by Mothers Against Drunk Driving (MADD). In addition, participants are asked to attend a predetermined number of Alcoholics Anonymous meetings each week.

Keeping track of repeat offenders is done each workday. A program caseworker reviews the arrest log of all new OWI cases, which is maintained by the District Attorney. The log identifies the arrested parties by name and charged violation(s). This allows for prompt identification of program participant who have re-offended.

The length of program participation is largely determined by the time it takes for an individual's case to reach final disposition, which is highly dependent on the court process. The average length of the program is approximately three months from entry into the program until final disposition.

The Kenosha ISP program, via the caseworkers, has daily interaction with the Kenosha County Circuit Court system. Caseworkers submit compliance and non-compliance reports to judges, assistant district attorneys, and defense attorneys. At the time of sentencing, everything that the offender has undergone, in terms of AODA treatment, is presented in a report to the Court. The same holds true when a defendant has refused to cooperate with the recommended treatment plan. Caseworkers are required to appear at all noncompliance hearings.

Defendants are given both the incentive and opportunity to alter their behavior while they are still in the community. Because the objective of the ISP program is to produce lower rates of OWI recidivism and related traffic offenses, the community has a favorable opinion of the program. The daily interaction with the judicial system has given the courts greater assurance that any pretrial misconduct will be detected and that the individual's efforts to address his/her substance abuse problems will be documented. The alcohol-treatment community supports the program by providing timely AODA assessments and treatment recommendations.

Eau Claire County

Robert Peitzman, Executive Director 715/836-8106 triniteam@discover-net.net

The Eau Claire County ISP program, known locally as the Intoxicated Driver Intervention Program (IDIP), has been administered since its inception in June 1998 by Triniteam, Inc., a non-profit agency. Triniteam also runs the Eau Claire County Treatment Alternative Program (TAP).

The purpose of IDIP is to develop an early intervention program for Eau Claire County that will deter repeat offenders from continuing to drink and drive. This increases public safety, saves jail costs, and aids offenders with chronic alcohol abuse problems in getting the help they need.

Participation in the program is voluntary for 2nd, 3rd or 4th offenders. The program is 3-6 months in length, and final sentencing is deferred until the offender completes the program. The program allows offenders reduced court costs, fines and jail time if they successfully complete the program. The cost of the program is \$150. If the offender can pay in full within two weeks the cost is only \$120.

In Eau Claire County, a repeat OWI offender is informed of the IDIP program at their initial court appearance. The offender signs a form acknowledging receiving the information, and a copy of that form is forwarded to Triniteam. The offender has three working days in which to contact the Triniteam office to schedule an appointment. They also have the opportunity up to five business days from their pretrial conference.

If the offender has a pending felony at the time of the OWI arrest or if the OWI was associated with a traffic crash in which someone was injured, then they are ineligible to participate in the Eau Claire IDIP program. Offenders who are eligible and interested in the IDIP program meet with a Triniteam case manager and provide history and intake information.

Once an offender enters the IDIP as a program client, they are required to:

- Meet with the case manager at least once a week
- Call in every Monday, Wednesday and Friday to determine if they have been selected for random urinalysis/breath analysis
- Attend a Victim Impact Panel (VIP)
- Complete their community service hours
- Plead “guilty” or “no contest” when they appear in court on the OWI charge

IDIP clients must follow through with all program requirements or be discharged as non-compliant.

Triniteam case managers assist IDIP clients with their AODA assessment at the 51.42 Board-approved facility, as well as with following through on all treatment recommendations included in their Driver Safety Plan. Case managers coordinate and refer IDIP clients to other community resources that may be of help.

Triniteam staff also coordinates the Victim Impact Panel, which all clients are required to attend. The VIP consists of local victims who have had family members killed by a drunk driver or who themselves have been injured by a drunk driver. The VIP may also include a convicted drunk driver who killed someone while driving drunk. The panel session is held only for IDIP clients, all of whom receive a breath analysis upon arrival.

When all requirements of the program are completed, the offender is discharged. The court then sentences the offender with a reduced sentence, according to locally established judicial sentencing guidelines that take into account successful IDIP participation. This primarily means a shorter jail term, but for some offenders it also includes slightly lower fines, a shorter license revocation period, and community service.

Marathon County

Kate Elvidge, Justice Programs Coord. 715/261-1191 kelvidge@mail.co.marathon.wi.us

Since its inception in July 1998, the Marathon County Intensive Supervision Program (MCISP) has functioned within Marathon County's Community Corrections Project. ATTIC Correctional Services, Inc. is the service provider. The objectives of the Marathon County Community Corrections Project are to reduce recidivism, alcohol-related motor vehicle crashes, and taxpayer costs associated with prosecution and incarceration.

This program provides services to a larger population than just that of the OWI repeat offender. ATTIC also provides the MCISP pretrial/post-adjudication supervision and services to repeat Operating After Revocation (OAR) and Operating After Suspended (OAS) offenders. The inclusion of OAR and OAS offenders makes the Marathon County program unique among ISP efforts in Wisconsin. The population in the MCISP consists of approximately one-half OWI offenders and approximately one-half OAR/OAS offenders. Approximately one-third of all OAR/OAS offenders referred are also OWI-related.

The program recognizes that there is a group of drivers in the community who are not effectively deterred by public awareness messages and existing sanctions. These offenders continue to drive even after suspension or revocation of their licenses. The MCISP program is designed to intervene and monitor the offender's compliance with judicial orders and to connect the individual with appropriate program/treatment services.

The MCISP population consists of 70% pretrial and 30% post-sentence offenders. Judges, the district attorney's office, the public defender's office, and the Department of Corrections refer offenders to the MCISP program. OWI, OAR and OAS offenders enter the program as a condition of bond, on a voluntary basis, as an alternative to revocation, as a deferred entry of judgment or as a post-sentence Electronic Monitoring Program (EMP) participant.

The program averages 25 referrals each month. In Marathon County, individuals must meet certain eligibility requirements to enter the program, including: (1) have one or more prior OWI convictions and/or have two or more prior OAR or OAS convictions; (2) be charged in Marathon County; (3) have no current pending charges for violent offenses; and (4) must be physically/mentally able and demonstrate a willingness to comply with expectations of the program.

After referral, ATTIC Correctional Services follows up with the potential participant at one of the following points:

- At court intake (approximately 70%)
- In conjunction with the EMP program (20%)
- At the pre-trial conference (7%)
- Voluntary (3%)

Once the offender is referred, an initial screening interview is scheduled within seven days. At the interview, an in-depth need/risk assessment is conducted. This includes the following assessment tools: ASUS (AODA) assessment, LSI-R (short version) and AODA pre-test.

Once the assessment is completed, an individual treatment program is designed based on the offender's needs and willingness to participate. Participants are assigned to intervention and relapse prevention groups to address AODA issues and Corrective Thinking errors. Breathalyzer/urinalysis testing and appropriate referrals are made to local agencies to provide additional individual and group counseling as needed. ATTIC works in conjunction with Marathon County Justice System, as well as with Mothers Against Drunk Driving for Victim Impact Panels. In September 2002, BA/UA tests went from scheduled to random in order to serve the increase in population as well as hold the offenders more accountable.

The MCISP program provides continued case management services, such as employment assistance, financial budgeting, and court liaison services. On average, participating offenders are in the program for 120 days (pretrial), and then continue in the program as post-sentence offenders for two to nine months. The average length of stay in the program is 167 days. Program length varies based on individual factors of each case. Factors include identified needs, case status and length of EMP sentence. Post-tests are given at completion of the program to gauge changes in attitudes and beliefs, thinking patterns, and AODA knowledge.

Tracking repeat offenders in the MCISP is done through self-reporting of new offenses, coordination with the EMP case manager and Department of Corrections agent, Wisconsin Circuit Court Access Project, and WisDOT driver record checks.

ATTIC provides one-to-one case management, weekly/daily check-ins, coordination with intervention (outlined above), and progress reports to the Marathon County judicial system. Interaction with the Judicial System is via regular written/verbal communication. The program coordinator attends and assists the DA's Office with program referrals at initial traffic court appearances, which are held weekly.

Marathon County's Intensive Supervision Program has received a positive response from the county judiciary and system stakeholders based on the number of referrals received monthly. The Marathon County Criminal Justice System continues to evaluate the services provided to ensure that the services meet the needs of Marathon County.

Waukesha County

Holly Patzer, Administrator 262/544-5431 hpatzer@wiscs.org

Since its beginning in February 1999, Pretrial Intensive Supervision Program administration and services in Waukesha County have been provided through Wisconsin Correctional Services (WCS), which also operates the ISP programs in Milwaukee and Kenosha Counties. The program began with mandatory participation of third or subsequent offenders. In March 2001, the program was expanded to include mandatory participation of all second or more offenders, which has more than doubled the caseloads. The Waukesha program now has four full-time and two half-time caseworkers, in addition to a part-time supervisor. The program receives an average of 60-75 new clients each month and has a current active caseload of 370 to 400 clients.

The Waukesha County District Attorney's Office has implemented a Fast Track charging system, whereby all repeat OWI offenders are charged and must appear in court within seven days of arrest. As a condition of bail, all offenders are then ordered to the Intensive Supervision Program and must report to WCS within 24 hours of the initial court hearing, or within 24 hours of release from custody if cash bail was ordered. The district attorney's office now contributes to the funding of the program to accommodate the increased caseloads due to the inclusion of all second OWI offenders.

A caseworker meets with the defendant, completes an intake interview, and orients the individual to the program. At this time, they explain bail conditions and discuss treatment options. The needs assessment consists of the defendant's present situation, past juvenile and adult arrest record, work history, family situation, alcohol/substance abuse history and treatment history.

All defendants are informed that if convicted, an AODA Driver's Safety Plan (DSP) assessment and attendance at a Victim Impact Panel will be ordered at sentencing; however, defendants may complete these obligations prior to conviction. Even if offenders do not complete the DSP at this time, they are required to receive an AODA assessment to ensure a referral to the proper treatment level. Treatment is not the same for all participants. Some attend education classes, but some receive as much as residential or inpatient treatment. Everyone is treated on an individual basis based on needs. The average time required to complete the program is approximately six months or until the case is adjudicated.

Supervision is conducted by requiring the defendant to come into the office twice a week until established in the program and the program fee is paid in full. Contacts are then reduced to once weekly. Random breath tests and drug screens are conducted at office visits. Caseworkers also monitor the defendant's progress in treatment.

Since all repeat offenders are mandated to the program in Waukesha County, recidivism for these repeat offenders is easily tracked if an offender gets rearrested in Waukesha County.

Interaction with the judicial system is done through progress reports filed with the Court at each court appearance, and if any non-compliance occurs the Court is notified immediately. Non-compliance is defined as continuously missing appointments or having a positive drug screen or

breath test. Offenders who are compliant and successfully complete the program receive consideration at sentencing, typically an average reduction of 30 days in their jail sentence. This is of particular interest on a local level due to the jail overcrowding issue in Waukesha County. By reducing the jail sentence of OWI offenders who comply with treatment at the pretrial stage, the program saves approximately 14,000 jail days a year.

This program receives tremendous support from the judicial system and alcohol treatment community. The courts review non-compliance reports submitted by the program and may review the bail situation if non-compliance continues. WCS has a collaborative working relationship with the Addiction Resource Council for the Driver's Safety Plan assessments, the local treatment providers, and the Waukesha County Department of Human Services for treatment of indigent clients. WCS is a member of the steering committee and plays an active role in facilitating Victim Impact Panels in Waukesha County.

Chippewa County

Arlene Eslinger, Director 715/723-1221 slingerd@cvol.net

The ISP program began in Chippewa County because there was a high percentage of OWI repeat offenders in the community. Community Counseling Services has been the assessment agency for Chippewa County for almost twenty years. There have been thousands of court orders for assessment on file where the OWI offenders have never made contact with the office to complete the assessment and driver safety plan as is required to be licensed after an OWI arrest. Instead those offenders continued to drive without a license and more importantly, without addressing any problem they may have with alcohol or drug abuse. The objective was to give those OWI offenders some incentive to address the alcohol/drug use which caused the OWI arrest, and then give them help and encouragement to make changes to improve their lifestyle. The program is set up to reduce the risk of the offenders getting another OWI.

The Chippewa County ISP program has been in operation since January 2000. Clients are referred to the program by local police and sheriff departments, attorneys, the district attorneys office and courts. Clients are contacted as soon as an arrest report is received. It is important to have contact as soon as possible for the best outcome in regards to behavior modification. An intake is scheduled that focuses on treatment needs. At that time program requirements are explained, a \$100 fee is collected, and information is gathered about the client. If the client is in need of alcohol/drug treatment, a recommendation is made. Monitoring of the client begins after a plea is entered in court. This is a voluntary program for second, third and fourth OWI offenders. It is mandatory for fifth time offenders and above as a condition of bond.

There is a full time case manager and a part time data entry person. The director of the program completes all intakes and exit interviews as well as being available for weekly meetings and victim impact meetings as needed. The director is also the representative to the community and works with the courts, providers, attorneys and law enforcement. The numbers have increased with 90 people beginning ISP in 2000 to 135 in 2001 to 152 in the first 10 months of 2002.

Requirements for participation in the program are:

- An extensive intake, which includes personal biography and alcohol and other drug history. Clients complete a goal sheet and sign an agreement to follow the components of the program. Releases of information are signed for all agencies that will assist in client's programs since the ISP program considers all information confidential.
- Total abstinence from alcohol/other drugs. If there is a relapse, the next level of care is required in order to remain in the program.
- Attend weekly meetings at the ISP office to ensure that the client is following program components requirements and having no difficulty doing so.
- Be involved in AODA assessment and recommended programming.
- Attend monthly meetings that focus on the irreversible consequences of an OWI.

The program is for all repeat OWI offenders. Participation in the program lasts from three to six months. There are times when the program is extended if it is determined that a client is in danger of relapse or if a client has failed to complete requirements successfully. Failure to remain abstinent will require clients to attend a more structured or intense treatment, attend additional sessions at the office, and be tested daily for alcohol/drug use. The extra office visits and testing are not meant as punishment for relapsing, but a way to give the client more accountability and support to remain sober.

If the client meets the requirements of the ISP program, the court will reduce jail time and substitute community service hours. This has proven to help clients feel that they are part of the community and many times clients continue volunteering after the community service hours are complete. It also allows clients to be responsible for the OWI offense by spending between 25 and 300 hours giving back to the community rather than sitting in jail doing nothing. In 2000, clients gave 3,575 hours in community service, in 2001 clients worked 5,575 hours and during the first ten months of 2002, clients gave 6000 hours in community service. It is estimated the savings in jail costs in the three years since ISP began exceeds \$380,000.

Forest, Vilas and Oneida Counties

Ann Cleereman, Director 715/369-2215 ac@thehumanservicecenter.org

Forest, Vilas, and Oneida Counties are coming to the end of the second year of operation. The Human Service Center in Rhinelander is the central location for the ISP program. Because of the tri-county area, the case managers travel to more convenient locations. Many of the clients live in very rural areas without a driver's license. Since very little public transportation is available, this can be a detriment to maintaining compliance. That is the reason why it's so important that the ISP program travel to meet them. Providers in the area willingly offer office and group space to meet with the clients.

The program has gone through many changes. The staff consists of one full time case manager and one half-time manager/coordinator. The program began by serving the second and subsequent OWI offender. The numbers were too large for the staff to deal with, so early this fall it changed to third and subsequent OWI offenders. This is a difficult population. Many of these clients have never received services and some have been in and out of AODA/Mental Health services for many years. The positive emphasis is early intervention.

F/V/O does not do any drug testing. The clients volunteer or are encourage by the judge or attorney to become involved with the program. The Human Service Center is considering charging a fee of \$100 for the program in the future.

The Human Service Center works closely with the providers, OWI assessor and probation officer. A big key is communication with the offenders so the services continue. The Center might consider providing services that follow the offenders into jail. If services are interrupted, the clients will revert to their former ways.

The procedure of the program has not changed. Judges, attorneys and offenders themselves provide client referrals. An individual session is scheduled and an assessment is completed. The client could be referred to outpatient, residential treatment or mental health counseling. If the client is not able to start outpatient counseling, the ISP staff has two support groups in Vilas County. This helps by keeping the client involved until other services can begin. The case managers follow the clients until they have completed services or are well on their way. If a person relapses, they are not discharged.

The court system in the tri-county has been very supportive from the beginning. At the time of sentencing, the court will order a fine and jail time. The judge may stay some of the fine and jail and give the client a review date to come back into court. At that time the judge will review the information that ISP staff have sent in. If the client does not follow through with the program that has been set up for them, the judge will order them to complete the original fine and jail.

After the initial screening, releases of information are signed, a brief AODA assessment is completed, and collateral contacts are made. Collateral contacts are done by telephone or mail. The information gathered by the case manager is shared with the AODA service providers.

The F/V/O ISP program has received the support of the judges and district attorneys in all three counties. Prior to sentencing, recommendations are sent to these individuals. Verification of client participation in various elements of the ISP program is also provided in writing by ISP staff to judges, prosecutors, and private attorneys.

A series of Victim Impact Panels began in January 2001. Since that time nine different panels have been completed (five in Vilas County and four in Oneida County). The panels have been a very positive aspect of the program and were received with favorable remarks from clients.

The average length of stay in the ISP program is 7-8 months. This period may be extended depending on the court schedule and the programming in which the client is actively involved. The case manager has contact with the client as soon after the arrest as possible. This is critical because the clients seem to be the most motivated and willing to change at that time.

The case manager's commitment includes: attending court sessions, and maintaining contact with legal professionals and treatment providers to assure their understanding of the program.

Racine County

Jerry Solem, Manager 262/632-1780 ZCi1@ameritech.net

In August 2000, the Racine County Sheriff's Department received funding from WisDOT to begin operating a Pretrial Intensive Supervision Program. Zimmerman Consulting, Inc. administers the program on a daily basis.

The core elements of Racine County's ISP program include:

- Centralized screening, review, and assessment of repeat OWI cases by program caseworkers in coordination with the District Attorney and Courts
- Provision for a period of community supervision of repeat offenders from the time of arrest and charging through final adjudication
- Development and coordination of an array of interventions for the defendant while under community supervision, which may include alcohol/drug abuse treatment, alcohol and drug testing, and coordinated alcohol and other drug abuse (AODA) assessment and evaluation process

The Racine County Court Commissioner orders all defendants charged with second or subsequent OWI to participate in the ISP program. The conditions of bond may also include other requirements, such as curfews, community service, and electronic monitoring. After the initial bond hearing, the defendant and his attorney are given a brochure outlining the ISP program.

Admission to the program consists of an interview with a case manager, who reviews the defendant's criminal history, current case status, and social and family history. The case manager reviews the requirements of the program with the participant and develops a plan of intervention. A urine specimen is collected to test for use of controlled substances, and a breathalyzer test is given to determine breath alcohol concentration.

Participants are expected to comply with all program requirements and their plan of intervention until the final disposition of their case, which generally ranges between three and six months. Specifically, participants are required to comply with the following:

- Attend all scheduled court hearings and appointments
- Cooperate with all program plans according to their plans of intervention, which includes attending AODA meetings or self-help groups
- Abstain from the use of alcohol and illegal drugs
- Be available for random drug and alcohol testing
- Contribute \$150 to the cost of the program (program fee ordered as a condition of the bond)

Once enrolled in the ISP program, an AODA assessment is completed so that a Driver Safety Plan can be developed. Participants are required to pay for this assessment to the appropriate vendor. The case manager uses the results of this assessment to develop a plan of intervention. Program requirements include at least one weekly on-site visit in addition to other in-person, telephone, or collateral contacts. During the weekly on-site visits, the case manager reviews progress, compliance, and activity level. During these sessions, the case manager:

- Collects all attendance slips to verify participant's presence at self-help groups and other required meetings determined in the plan of intervention
- Assesses overall progress
- Updates address, employment status, and other information as necessary
- Conducts alcohol and drug tests

Participants who violate ISP program rules are sanctioned. These sanctions range from increases in case management contacts to revocation of bail, depending on the rule violation. Case managers provide written reports to the court detailing program requirements that the defendant complied with and those that were violated.

Any program violation that includes a positive test for alcohol or illegal substances causes a report to be immediately written by the ISP case manager and submitted to the appropriate court. A bond review hearing is scheduled within 2–4 days. The commissioner or judge will determine the appropriate response.

Sheboygan County

Holly Patzer, Administrator 262/544-5431 hpatzer@wiscs.org

The Sheboygan County Pre-Trial Intensive Supervision Program was initiated in June of 2002, and became fully operation in September of 2002. The Sheboygan County Sheriff's Department is the recipient of the grant, and the services are delivered through Wisconsin Correctional Services (WCS) which also operates the ISP programs in Milwaukee, Kenosha and Waukesha Counties.

At the direction of the Sheboygan County judges, the program is court ordered and participation is mandatory for all second or more repeat offenders. It is anticipated that approximately 250 offenders will be admitted to the program annually. Since all participation by repeat offenders is mandatory, recidivism for these repeat offenders will be tracked if an offender gets rearrested in Sheboygan County.

At the initial appearance, the court commissioner orders offenders to the program as a condition of bail. They must report to WCS within 24 hours of the initial court hearing, or within 24 hours of release from custody if cash bail was ordered. A caseworker meets with the defendant, completes an intake interview, and orients the individual to the program. At this time, they explain bail conditions and discuss treatment options. The needs assessment consists of the defendant's present situation, past juvenile and adult arrest record, work history, family situation, alcohol/substance abuse history and treatment history.

All defendants are informed that if convicted, an AODA Driver's Safety Plan (DSP) assessment and attendance at a Victim Impact Panel will be ordered at sentencing; however, defendants may complete these obligations prior to conviction. Even if offenders do not complete the DSP at this time, they are required to receive an AODA assessment to ensure a referral to the proper treatment level. Treatment is not the same for all participants. Some attend education classes, but some receive as much as residential or inpatient treatment. Everyone is treated as an individual, based on needs. The offender stays in the program for as long as it takes for case adjudication, usually three or four months.

Supervision is conducted by requiring the defendant to come into the office twice a week until established in the program and the program fee is paid in full. Contacts are then reduced to once weekly. Random breath tests and drug screens are conducted at office visits. Caseworkers also monitor the defendant's progress in treatment.

Interaction with the judicial system is done through progress reports regarding program and treatment compliance which are filed with the court at each court appearance, and if any non-compliance occurs the court is notified immediately. Non-compliance is defined as continuously missing appointments or having a positive drug screen or breath test. Offenders who are compliant and successfully complete the program receive consideration at sentencing, typically a reduction of 30 days in their jail sentence.

WCS has a collaborative working relationship with the Sheboygan County Human Services for the Driver's Safety Plan assessments and with the local treatment providers. It is hoped that eventually through the cooperation with Mothers Against Drunk Driving a victim impact panel might be established in Sheboygan County.

Portage County

Kathy King, Administrator 715/346-1342 kingk@co.portage.wi.us

The Portage County Intensive Supervision Program functions within the County's Community Justice Programs Project. The Portage County Health and Human Services Department contracts services through Gemini, Inc. They share contract administration and staff supervision along with Health and Human Services and the Portage County Justice Program. The project is guided by the Portage County Justice Coalition, which is comprised of system stakeholders and community members.

The objectives of the Intensive Supervision Program are to reduce repeat offenses, damaging motor vehicle crashes, and taxpayer costs related to criminal prosecution and incarceration. This is accomplished through offender screening and assessment, supervision, case management and programming.

The program is modeled after the Marathon County Intensive Supervision Program. Common features include the expanded target population of OAR offenders and the pre/post conviction program structure. The OAR offenders must be at least third offenders and the OAR must be related to a previous OWI conviction. System stakeholders have decided to make the Intensive Supervision Program a mandatory bond condition for all third OWI offenders. Referrals to date have exceeded expectations, resulting in a reduced emphasis on the OAR population. The response has been positive and generated requests for programming for non-traffic related cases. In these cases there have been previous OWI convictions and the potential for re-offending is likely.

The program recognizes a group of drivers who are not effectively deterred by public awareness and existing legal sanctions. These offenders continue to drink even after their licenses have been suspended or revoked. The structure of the ISP allows for early and sustained intervention and monitoring of offender compliance, with judicial orders and program/treatment participation.

Program participants can come from both a pre or post sentence populations. Early in the program, the referrals came from the court (bond condition) and the Home Detention Program (HDP condition). Agents from the Wisconsin State Department of Corrections have referred offenders who have violated probation/parole as an alternative to revocation.

As indicated, referrals have exceeded expectations in that 64 offenders have been referred to date (April 1 to November 12, 2002), when approximately 55-60 referrals were expected annually. All offenders who successfully completed the pre-trial phase of the program have participated in

the post sentence phase (17 offenders to date). Referrals must meet certain eligibility requirements to participate in the program. They must have been arrested for a third OWI or OAR (OWI related) offense or more. Second OWI offenders will be considered, if returned to court on charges of bail jumping where alcohol has been involved. They must be willing and able to comply with the program requirements.

Upon referral, an offender must report to the case manager for initial screening and an appointment for a full assessment. The initial screening must occur within 72 hours and a full assessment within three days. It includes an in-depth correctional risk assessment (LSI-R) and an alcohol/drug screener (ASUS). Offenders are required to complete the Driver Safety Plan or an AODA assessment, as well. Additional assessments can be required if mental health or serious relationship issues are evident. The results of these tests are used to prepare a case plan that details the following:

- Number of day report check-ins for drug and alcohol tests
- Number of weekly contacts with the case manager
- Number and nature of program/treatment sessions/groups the offender must attend
- Participation in a victim impact panel presentation hosted by MADD

The case manager coordinates with other community resources to provide support for issues around employment, education, housing, budgeting, recreation, mentoring and transportation. This service is seen as a vital component in facilitating offender change and reducing risk to the community. There have been 17 program completions so far. Nine offenders have successfully completed both phases of the program. Of those 17 completions, there were 7 offenders who were unsuccessful during the pre-trial phase (2 of the 7 were returned) and 1 was unsuccessful during the post sentence hearing phase. Two offenders have committed repeat OWI offenses. Fifty offenders are currently enrolled.

Tracking repeat offenders will include a review of local law enforcement records, a review of the Consolidated Court Automated Program (C-CAP) and driver license records, and contact with the assigned probation/parole agent (if applicable). This review is expected to occur every 6 months upon program completion. Student interns from UW-Stevens Point have been helpful in developing program data on offender change and post discharge behavior.

Currently there are three staff positions, including a full time case manager and two part time assistant case managers. There has been some difficulty filling the part time positions. Accommodations to meet individual needs have made the scheduling problematic. Concerns about the implication of Act 80 are also influencing the qualifications of staff to avoid being out of compliance with rules once promulgated.

Trempealeau County

Connie Herman, Director 715/538-2311, ext. 272 tcub@trempealeaucounty.com

The Trempealeau County Unified Board began its Intoxicated Driver's Intervention Program (IDIP) in July 2002. IDIP is an intensive community-based program that is designed to provide appropriate intervention and monitoring that will help individuals stop their pattern of drinking and driving. This program is also designed to save jail costs and help clients address any alcohol abuse problems. IDIP provides early intervention, assessment, referral, case management, education, urinalysis/breath analysis screening and assistance with community service.

The court orders all eligible clients (those charged with a second, third or fourth OWI) to make an appointment with the case manager. This is made a condition of the client's bond. After the client makes an appointment with the case manager, s/he makes an informed choice, and decides whether or not to participate in the program. Some clients have decided not to participate in the program due to work schedule, not having a ride to all the scheduled activities, or living out of state. Most clients decide to take advantage of the program due to the incentives of fewer jail days and reduction of fines and license revocation.

The program is 3 – 6 months in length and final sentencing is deferred until the client completes the program. The program allows for lowered court cost, fines and jail time for successful completion of the program. The cost for the client is \$125. If the client can pay in full within two weeks, the cost is reduced to \$100. A person is not eligible if s/he has a pending felony at the time of the OWI arrest or if the OWI was associated with a traffic crash in which someone was injured.

At the initial court appearance, the client is given a brochure and signs a form acknowledging receiving information regarding IDIP. The case manager is present to answer any questions and schedule an appointment with the client. Once the initial appointment is completed and the client agrees to participate in the program subsequent appointments with the case manager will be scheduled.

Once a client enters IDIP s/he is required to:

- Meet with the case manager as scheduled (usually weekly)
- Call in every Tuesday and Thursday to determine if s/he has been selected for a random urinalysis/breath analysis test
- Attend a meeting with the community service program staff to set-up hours and sites for community service
- Complete a driver safety plan and follow through with all treatment recommendations
- Plead guilty or no contest when appearing in court for the OWI charge

When all requirements of the program are completed, the client is discharged. The case manager sends the court a report. If the client has successfully completed the program the court will sentence the client according to the reduced sentencing guidelines

Profile of Counties with Pretrial Intensive Supervision Programs²

For purposes of illustration, the ISP counties are shown in chronological order by their start up dates. Since the Forest, Vilas and Oneida Counties ISP program is a joint effort, data for these three counties are shown as a single entry.

Licensed Drivers

The number of licensed drivers residing in a county can be a contributing factor in the number of alcohol-related traffic crashes and OWI caseload. Wisconsin has more than 3.8 million licensed drivers. Approximately 38% of these drivers reside in the thirteen counties that are operating ISP programs. As shown in Table 2, twelve of the thirteen ISP-served counties had an increase in licensed drivers from 1997 to 2001. For a better understanding of the diversity of the thirteen counties served by ISP programs, this section compares and contrasts the ISP counties with each other and with the state as a whole. For each county with an active ISP program, this section summarizes the number of licensed drivers, vehicle miles of travel, alcohol availability, alcohol-related crashes, and OWI arrests, convictions and adjudicated outcomes.

TABLE 2: 1997 - 2001 Licensed Drivers

	1997	1998	1999	2000	2001	% Change from 1997 to 2001
Milwaukee	562,924	559,928	553,588	532,380	561,568	-0.2%
Kenosha	98,687	100,174	101,079	98,070	105,555	+7.0%
Eau Claire	62,623	63,464	63,663	61,816	64,816	+3.5%
Marathon	89,311	90,246	90,410	89,126	92,673	+3.8%
Waukesha	264,770	268,722	271,484	261,969	283,856	+7.2%
Chippewa	39,190	39,393	39,865	39,280	41,063	+4.8%
F/V/O	52,332	53,153	53,471	52,126	55,106	+5.3%
Racine	127,051	127,923	128,721	126,461	130,827	+3.0%
Portage	45,317	45,881	45,738	44,726	46,778	+3.2%
Sheboygan	78,737	79,285	79,696	78,917	81,081	+3.0%
Trempealeau	19,576	19,585	19,702	19,608	19,977	+2.0%
ISP Counties	1,440,518	1,448,165	1,447,417	1,404,479	1,483,300	+3.0%
State Total	3,672,395	3,703,295	3,722,098	3,657,904	3,835,549	+4.4%

² All of the facts and figures in this section come from the 2000 Wisconsin Alcohol Traffic Facts Book or other WisDOT sources.

Vehicle Miles of Travel

The amount of travel on a county's streets and highways is a measure of exposure that can help explain the county's total number of alcohol-related traffic crashes and OWI caseload.

Wisconsin public roadways carried over 57 billion vehicle miles of travel (VMT) in 2001. About one-third of the state's total VMT occurred in the thirteen counties that are operating ISP programs. As shown in Table 3, four of the thirteen ISP-served counties (Milwaukee, Chippewa, Marathon, Waukesha) experienced increases in VMT from 1997 to 2001 that were greater than the statewide increase of 6.6% during that time.

TABLE 3: 1997 - 2001 Annual Vehicle Miles of Travel (in millions)

	1997	1998	1999	2000	2001	% Change from 1997 to 2001
Milwaukee	7,019.2	7,069.4	7,820.4	7,846.1	7,816.1	+11.4%
Kenosha	1,346.3	1,380.8	1,458.1	1,428.6	1,428.6	+6.1%
Eau Claire	929.3	996.4	977.5	969.6	969.5	+4.3%
Marathon	1,264.3	1,282.4	1,420.6	1,429.2	1,429.2	+13.0%
Waukesha	3,636.2	3,739.5	3,946.2	3,963.0	3,963.0	+9.0%
Chippewa	620.8	677.1	659.9	669.3	669.2	+7.8%
F/V/O	869.3	918.7	909.0	893.7	893.6	+2.8%
Racine	1,575.5	1,624.5	1,643.6	1,613.0	1,613.0	+2.4%
Portage	720.4	768.0	788.1	785.9	785.9	+9.1%
Sheboygan	994.3	1,032.0	989.0	1,006.2	1,006.2	+1.2%
Trempealeau	347.6	350.0	356.6	357.1	357.1	+2.7%
ISP Counties	19,323.2	19,838.8	20,969.0	20,961.7	20,931.4	+8.3%
State Total	53,728.8	56,047.9	56,960.1	57,266.0	57,266.0	+6.6%

Alcohol Availability

The availability of alcohol can be a contributing factor in a county's total number of alcohol-related traffic crashes and OWI caseload. Table 4 summarizes the number and density of liquor licenses issued in the thirteen ISP-served counties in 2001, as well as the population density. Five of the counties (Marathon, Chippewa, F/V/O, Portage, and Trempealeau) had fewer residents per liquor license than the state average of 328. A total of 5,713 (30%) of the all liquor licenses in Wisconsin were held in the thirteen ISP-served counties.

TABLE 4: 2001 Liquor Licenses and Population

	Liquor Licenses	Population	Square Miles	Population per Liquor License	Population per Square Mile	Liquor Licenses per Square Mile
Milwaukee	2,024	939,919	241	464	3,900	8.4
Kenosha	370	150,934	273	408	553	0.9
Eau Claire	236	94,033	638	398	147	0.4
Marathon	412	125,834	1,559	308	81	0.2
Waukesha	655	363,571	554	555	656	1.2
Chippewa	210	55,812	1,017	266	55	0.2
F/V/O	625	68,229	3,008	112	23	0.2
Racine	472	189,490	334	409	567	1.4
Portage	233	67,692	810	291	84	0.3
Sheboygan	339	113,378	515	722	220	0.7
Trempealeau	137	27,229	736	199	37	0.2
ISP Counties	5,713	2,196,121	9,685	406	260	0.6
State Total	17,086	5,400,449	54,424	328	99	0.3

Alcohol-Related Traffic Crashes

Statewide, the number of alcohol-related crashes and the proportion of total crashes that are alcohol-related had been declining until an increase in 2000. As shown in Table 5, similar trends have been experienced in the thirteen ISP-served counties. However, seven of the thirteen counties (Kenosha, Chippewa, F/V/O , Racine and Trempealeau have consistently had higher proportions of alcohol-related crashes than the state as a whole.

TABLE 5: 1997-2001 Alcohol-Related Traffic Crashes

	Alcohol-Related Crashes					Alcohol-Related Crashes as a % of All Crashes				
	1997	1998	1999	2000	2001	1997	1998	1999	2000	2001
Milwaukee	1,192	1,176	1,016	1,058	1,028	5.1%	5.1%	4.3%	4.4%	4.3%
Kenosha	330	305	305	325	338	9.3%	8.8%	8.9%	9.5%	9.9%
Eau Claire	132	109	133	134	118	5.7%	4.9%	5.5%	5.5%	4.9%
Marathon	212	230	198	228	240	6.0%	6.6%	5.6%	6.4%	7.7%
Waukesha	389	389	309	420	376	5.1%	5.3%	4.1%	5.6%	5.4%
Chippewa	97	108	108	110	99	7.0%	7.2%	7.7%	7.9%	7.4%
F/V/O	164	171	137	164	164	9.4%	10.3%	7.7%	9.2%	9.6%
Racine	325	315	306	325	316	8.2%	7.6%	7.6%	8.0%	7.5%
Portage	107	125	123	115	103	5.1%	6.0%	5.8%	5.4%	5.7%
Sheboygan	141	142	134	146	169	4.8%	5.4%	4.8%	4.7%	6.6%
Trempealeau	47	66	47	57	47	9.8%	12.8%	9.3%	10.8%	10.0%
ISP Counties	2,841	2,802	2,512	2,764	2,998	5.8%	6.0%	5.2%	5.8%	6.1%
State Total	8,627	8,475	8,446	9,096	8,695	6.0%	6.7%	6.4%	6.5%	6.9%

Drinking Drivers Involved in Crashes

Statewide, the number of drinking drivers involved in crashes had been declining since 1997 until an increase in 2000. However, the proportion of drivers involved in crashes who had been drinking has been relatively stable. As shown in Table 6, similar trends have been experienced in the thirteen ISP-served counties.

TABLE 6: 1997-2001 Drinking Drivers in Crashes

	Drinking Drivers in Crashes					Drinking Drivers in Crashes as a % of All Drivers in Crashes				
	1997	1998	1999	2000	2001	1997	1998	1999	2000	2001
Milwaukee	1,146	1,138	993	1,022	1,006	2.5%	2.5%	2.1%	2.0%	2.1%
Kenosha	328	297	304	330	338	5.1%	4.7%	4.9%	4.8%	5.5%
Eau Claire	128	106	133	134	113	3.2%	2.7%	3.2%	3.0%	2.7%
Marathon	214	233	201	229	246	4.0%	4.5%	3.6%	4.0%	5.2%
Waukesha	394	391	313	425	386	2.9%	2.9%	2.3%	2.8%	3.1%
Chippewa	105	100	107	111	103	4.8%	4.9%	5.0%	5.4%	5.2%
F/V/O	168	170	135	169	167	6.5%	7.3%	5.4%	6.0%	7.1%
Racine	324	314	304	332	309	4.4%	4.1%	4.0%	4.1%	3.9%
Portage	103	126	123	116	106	3.3%	4.2%	3.9%	3.7%	4.0%
Sheboygan	144	140	137	146	168	3.1%	3.4%	3.0%	2.9%	4.1%
Trempealeau	48	66	48	56	48	6.6%	8.5%	6.5%	7.3%	7.2%
ISP Counties	2,807	2,749	2,490	2,752	2,990	3.2%	3.2%	2.9%	2.9%	4.5%
State Total	8,609	8,444	8,491	9,135	8,702	4.0%	4.0%	3.9%	3.9%	4.1%

OWI Arrests

Most OWI arrests are not the result of a traffic crash. Most of them result from a motorist being stopped by a law enforcement officer who has reasonable suspicion that a traffic offense has been committed. Statewide data on OWI arrests are compiled from reports submitted by police agencies to the Wisconsin Department of Administration, Office of Justice Assistance. As shown in Table 7, statewide OWI arrest totals increased slightly from 1997 to 2001, but remarkably different patterns were demonstrated among the thirteen ISP-served counties during that time.

TABLE 7: 1997-2001 OWI Arrests

	1997	1998	1999	2000	2001	% Change from 1997 to 2001
Milwaukee	4,765	4,869	4,464	4,415	3,678	-22.8%
Kenosha	773	686	763	821	931	+20.4%
Eau Claire	799	763	729	713	612	-23.4%
Marathon	864	776	629	1,255	793	-8.2%
Waukesha	2,267	2,228	2,344	2,226	2,490	+9.8%
Chippewa	295	281	292	291	330	+11.9%
F/V/O	682	807	724	683	688	+0.9%
Racine	901	935	910	941	901	0.0%
ISP Counties	11,346	11,345	10,855	11,345	10,403	-8.3%
State Totals	37,437	37,708	37,548	38,324	38,731	+3.5%

Adjudicated OWI Cases

OWI arrests lead to formal action by a prosecuting attorney and a judge. Table 8 summarizes the number of adjudicated OWI cases for 1997-2001, as reported to WisDOT by clerks of court. Statewide adjudicated OWI case totals increased nearly 5% from 1997 to 2001, but remarkably different patterns were demonstrated among the thirteen ISP-served counties during that time.

TABLE 8: 1997-2001 Adjudicated OWI Citations³

	1997	1998	1999	2000	2001	% Change from 1997 to 2001
Milwaukee	3,996	3,922	3,756	3,808	3,541	-11.4%
Kenosha	927	782	791	978	1,000	+7.9%
Eau Claire	863	807	812	869	679	-21.3%
Marathon	989	948	747	837	914	-7.6%
Waukesha	2,440	2,462	2,389	2,595	2,751	+12.7%
Chippewa	415	380	389	429	483	+16.4%
F/V/O	768	795	699	796	656	-14.6%
Racine	1,029	1,041	1,002	1,205	1,120	+8.8%
ISP Counties	11,427	11,137	10,585	11,517	11,144	-2.5%
State Total	35,999	35,622	35,190	38,335	37,718	+4.8%

³ These data reflect the year in which the OWI cases reached their final adjudicated outcomes, not the year in which the citations were issued, so these numbers vary somewhat from the OWI arrest data shown in Table 7.

Table 9 summarizes the outcomes of the 37,718 OWI cases that were adjudicated statewide in 2001. Nine out of ten (92%) of all OWI cases resulted in a guilty plea or verdict. Five of the thirteen counties with ISP programs exceeded the statewide OWI conviction rate.

TABLE 9: 2001 Outcome of Adjudicated OWI Cases

	Not Guilty	Dismissed	Amended	Guilty	Total Cases	% Guilty
Milwaukee	8	132	79	3322	3541	93.8%
Kenosha	3	42	31	924	1000	92.4%
Eau Claire	3	40	7	629	679	92.6%
Marathon	2	44	38	830	914	90.8%
Waukesha	4	146	88	2513	2751	91.3%
Chippewa	1	40	19	423	483	87.6%
F/V/O	1	31	36	588	656	89.6%
Racine	1	42	37	1040	1120	93.6%
Portage	0	30	5	512	547	93.6%
Sheboygan	3	57	39	767	866	88.6%
Trempealeau	0	13	9	189	211	89.6%
ISP Counties	26	617	388	11,737	12,767	91.9%
State Total	81	1787	1164	34,686	37,718	92.0%

OWI Convictions by Driver Age

Table 10 summarizes 2001 OWI convictions by driver age.⁴ Statewide, over half (55%) of the drivers convicted of OWI in 2001 were between the ages of 25 and 44. A similar pattern existed in each of the thirteen ISP-served counties.

TABLE 10: 2001 OWI Convictions by Driver Age at Time of Violation

	18 & Under	19-20	21-24	25-34	35-44	45-54	55-64	65 & Over	Total
Milwaukee	85	161	450	863	852	443	150	40	3,044
Kenosha	21	40	119	208	261	112	30	3	794
Eau Claire	17	60	91	151	105	67	10	2	548
Marathon	34	36	151	256	202	85	23	10	798
Waukesha	78	134	427	687	614	285	72	32	2,329
Chippewa	11	20	50	91	99	45	11	5	332
F/V/O	17	20	91	146	187	72	28	7	532
Racine	24	52	151	249	202	131	29	10	937
Portage	20	50	105	122	114	52	9	5	477
Sheboygan	25	41	145	222	178	76	27	7	721
Trempealeau	16	14	26	52	51	17	5	4	185
ISP Counties	348	628	1,806	2,217	2,865	1,670	329	125	10,697
State Total	1,100	2,030	5,834	9,026	8,780	4,004	1,096	381	32,191

⁴ The number of OWI cases resulting in a guilty plea or verdict in Table 10 do not match the number of OWI convictions shown in Table 9 because the data were drawn from two different computer files at different times of the year; adjudicated OWI data (Table 9) are from a file that is updated monthly, while driver age data is from a file that is updated only twice a year.

OWI Convictions by Repeat Offender Status

Table 11 illustrates the magnitude of the repeat OWI problem in the thirteen ISP counties and statewide. More than one-third (36.2%) of the 2001 OWI convictions in Wisconsin went to repeat offenders. This was a considerable increase over the 1998 rate of 27.2%, primarily reflecting a new state law that as of 1/1/99 required the first prior OWI conviction to remain on record and be counted up to ten years (for purposes of defining a 2nd offender) and required a second or subsequent prior OWI conviction to remain on record and be counted for a person's lifetime.⁵ The statewide repeat offender rate was exceeded in nine of the thirteen ISP counties (Eau Claire, Marathon, Chippewa, Forest/Vilas/Oneida, Portage, Sheboygan and Trempealeau).

TABLE 11: 2001 OWI Convictions by Violation County and Repeat Offender Status

	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th –13 th	Total	% Repeat Offenders
Milwaukee	2,147	486	255	97	38	15	3	3	0	3,044	29.5%
Kenosha	529	163	67	26	6	2	1	0	0	794	33.4%
Eau Claire	347	99	53	33	6	7	2	1	0	548	36.7%
Marathon	471	162	93	43	20	8	1	0	0	798	41.0%
Waukesha	1,546	477	193	61	38	7	4	2	1	2,329	33.6%
Chippewa	207	66	32	13	7	3	3	1	0	332	37.7%
F/V/O	317	75	67	27	8	4	1	0	1	532	40.5%
Racine	633	183	80	30	5	4	1	0	1	937	32.4%
Portage	315	97	41	13	6	3	2	0	0	477	34.0%
Sheboygan	456	147	65	38	9	4	1	0	1	721	36.8%
Trempealeau	112	32	19	12	4	5	1	0	0	185	39.5%
ISP Counties	7,080	1,987	965	393	147	62	20	7	4	10,697	33.8%
State Total	20,541	6,213	3,229	1,399	495	201	71	27	15	32,191	36.2%

⁵ WisDOT driver history records on prior OWI convictions only go back to 1/1/89 for purposes of "lifetime" record-keeping.

Resident Drivers by Repeat OWI Offender Status

As shown in Table 12, as of 1/1/02, 314,811 Wisconsin drivers had at least one prior OWI conviction on their driving record (dating from 1/1/90 for persons with one or two prior OWI convictions and from 1/1/89 for drivers with three or more prior convictions). Most of these drivers (252,158) had only one prior OWI conviction and would become repeat offenders on their next conviction. The remaining 19.4% (over 62,653 drivers) were already repeat offenders. The resident driver population in nine of the thirteen ISP-served counties (Eau Claire, Marathon, Chippewa, Forest/Vilas/Oneida, Portage, Sheboygan and Trempealeau exceeded the statewide repeat OWI offender rate.

TABLE 12: Resident Drivers with One or More Prior OWI Convictions
(during 1992-2001 for persons with 1 or 2 convictions, 1989-01 for persons with 3 or more)

	1	2	3	4	5	6	7	8	9 – 13	Total Drivers	% Repeat Offenders
Milwaukee	35,098	4,151	2,226	683	195	81	26	14	7	42,481	17.4%
Kenosha	6,563	878	482	123	27	18	5	2	1	8,099	19.0%
Eau Claire	4,351	706	412	156	55	18	10	3	1	5,712	23.8%
Marathon	5,290	754	482	175	56	13	6	1	0	6,777	21.9%
Waukesha	14,287	1,838	1,007	310	124	42	13	4	3	17,628	19.0%
Chippewa	2,555	436	228	72	25	14	6	4	1	3,341	23.5%
F/V/O	3,704	643	371	112	33	16	8	0	2	4,888	24.8%
Racine	8,171	1,054	546	159	50	11	0	2	1	9,994	18.2%
Portage	2,707	440	255	89	39	10	1	0	0	3,541	23.6%
Sheboygan	5,222	747	447	134	42	11	5	1	1	6,610	21.0%
Trempealeau	1,475	224	110	40	9	3	1	0	0	1,862	20.8%
ISP Counties	89,423	11,871	6,566	2,053	655	237	81	31	17	110,933	19.4%
State Total	252,158	34,149	19,021	6,312	2,040	725	257	88	34	314,811	19.9%

Demographic Profile of Intensive Supervision Program Participants

Additional information collected and submitted to WisDOT by the ISP program counties for 2001 demonstrates the similarity of participants involved in the various ISP programs. The following Tables profile clients who participated in ISP programs in 2001, so they exclude the three ISP programs that began operations in 2002.

Age of ISP Participants

Table 13 summarizes the OWI defendants who were eligible for ISP program participation in each county in 2001 by age at the time that the offender made their initial court appearance.

TABLE 13: 2001 ISP Program Participation by Age

	Milwaukee		Kenosha		Eau Claire		Marathon		Waukesha	
	#	Pct	#	Pct	#	Pct	#	Pct	#	Pct
≤ 20	5	0.8%	2	0.8%	5	3.8%	6	2.5%	2	0.3%
21-24	31	4.8%	18	7.4%	12	9.3%	43	17.7%	46	7.2%
25-29	67	10.3%	31	12.7%	28	21.7%	50	20.7%	96	15.1%
30-34	103	15.8%	25	10.2%	25	19.3%	47	19.4%	93	14.7%
35-44	247	37.9%	106	43.4%	29	22.4%	61	25.2%	246	38.7%
45-54	150	23.0%	49	20.1%	26	20.1%	31	12.8%	119	18.7%
55+	49	7.5%	13	5.3%	4	3.1%	4	1.7%	33	5.2%
Total	652		244		129		242		635	
Median Age	45		48		35		35		45	

	Chippewa		F/V/O		Racine	
	#	Pct	#	Pct	#	Pct
≤ 20	0	0	2	0.2%	4	1.0%
21-24	15	1.1%	3	0.3%	34	9.0%
25-29	32	2.4%	9	1.0%	61	16.1%
30-34	20	1.5%	12	13.3%	60	15.9%
35-44	48	3.6%	37	4.1%	129	34.0%
45-54	16	1.2%	23	25.5%	69	18.2%
55+	4	0.3%	4	0.4%	22	5.8%
Total	135		90		379	
Median Age	35		39		36	

Gender of ISP Participants

Statewide, four out of five (81%) of all drivers convicted of OWI in 2001 were male. Likewise, the number of males (84.6%) participating in most ISP programs far exceeded the number of female participants. Table 14 provides the gender breakdown of ISP program participants.

TABLE 14: 2001 ISP Program Participation by Gender

	Male	Female	% Male
Milwaukee	550	93	85.5%
Kenosha	208	42	83.2%
Eau Claire	98	31	76.6%
Marathon	199	43	82.2%
Waukesha	556	96	85.3%
Chippewa	118	17	87.4%
F/V/O	72	18	80.0%
Racine	331	48	87.3%
ISP County Total	2,132	388	84.6%

Education of ISP Participants

As shown in Table 15, less than half of the ISP program participants in 2001 had any formal education beyond high school. However, the data are relatively incomplete.

TABLE 15: 2001 ISP Program Participation by Educational Achievement

	Less than HS	HS Graduate	GED⁶	Some College or Tech School⁷	College Graduate	Unknown
Milwaukee	104	275	74		187	
Kenosha	61	125	19		37	
Eau Claire	8	44	0	50	17	10
Marathon	61	111	4	21	4	41
Waukesha	136	232	52		221	
Chippewa	16	103	3	11	11	2
F/V/O⁸	9	33				48
Racine	85	179	18	86	6	5
ISP County Total	480	1102	170	168	472	106

⁶ Eau Claire and Marathon did not collect separate information on GED.

⁷ Milwaukee, Kenosha and Waukesha did not differentiate between those who had some college or tech school and those who graduated. F/V/O does not collect information on the education achievement of their clients

Marital Status of ISP Participants

As shown in Table 16, most ISP program participants in 2001 for whom marital status was known were “Never Married”, but the data are relatively incomplete.

TABLE 16: 2001 ISP Program Participation by Marital Status

	Divorced	Never Married	Married	Widowed	Separated	Unknown
Milwaukee	176	315	116	7	27	
Kenosha	63	122	45	5	7	
Eau Claire	30	68	28	1	1	1
Marathon	49	121	43	3	17	9
Waukesha	173	297	138	5	25	
Chippewa	45	56	29	0	1	4
F/V/O		76	14			
Racine	no data	-	-	-	-	-
ISP County Total	581	1,055	413	21	78	14

Recidivism by Intensive Supervision Program Participants

Under Wisconsin Statutes 85.53(4)(a), WisDOT is required to provide information to the legislature that addresses five questions, as follows:

Question #1: How many individuals were arrested for a 2nd or subsequent offense of operating while intoxicated?

Currently there is no statewide data source that tabulates arrests for second and subsequent OWI offenses. The OWI arrest data available for analysis is limited to:

- Office of Justice Assistance arrest data, which provides the number of OWI arrests reported to the agency by local law enforcement agencies, but which does not indicate whether the person arrested, if convicted, would be a repeat offender.
- WisDOT Driver Record File information, which provides the number of OWI convictions on record (since 1/1/89) for each driver, but which does not record the prior OWI arrests that resulted in a dismissal, amendment, or finding of not guilty.

Question #2: How many individuals completed a local pretrial intoxicated driver intervention program?

Table 17 summarizes the status of ISP program participants for the ten counties with active ISP programs in December 2001, as reported to WisDOT. This is the most recent and complete data available.

	Participant Status				
	Eligible Defendant ⁹	Participants	Drop-Out or Non-Compliant	Current	Completed
Milwaukee		883	71	193	568
Kenosha		293		293	
Eau Claire	214	129	26	38	65
Marathon a¹⁰	141	109	12	13	84
Marathon b¹⁰	142	91	14	17	60
Waukesha	964				
Chippewa	N/A	135	29	23	83
F/V/O		90	10	75	29
Racine	379	379	31	106	242
ISP County Totals	1,626	2,109	191	758	1131

⁹ The number of eligible participants are not tracked in Milwaukee, Kenosha, and F/V/O Counties.

¹⁰ Marathon County provides services to repeat OWI, OAR & OAS offenders. (a)= OWI participants (b)=OAR/OAS participants

Question #3: What percentage of individuals who commence a program successfully complete their program?

Table 18 summarizes the program completion rates for the ten counties with active ISP programs in December 2001, as reported to WisDOT. This is the most recent program completion data available. Collectively, almost four out of five clients successfully completed their programs.

TABLE 18: December 2001 Successful and Unsuccessful Program Completion

	Successful Completion	Drop-Out/ Non-Compliant	Completion %	
			Successful	Unsuccessful
Milwaukee	703	131	84.2%	15.8%
Kenosha	204	32	86.4%	13.6%
Eau Claire	65	26	71.4%	28.6%
Marathon(a)¹⁰	84	12	87.5%	12.5%
Marathon (b)¹⁰	60	14	81.1%	18.9
Waukesha	445	119	78.9%	21.1
Chippewa	83	29	74.1%	25.9
F/V/O	29	10	74.3%	25.7
Racine	242	31	88.6%	11.4
ISP County Total	1,915	304	78.9%	21.1

¹⁰ Marathon County provides services to repeat OWI, OAR & OAS offenders. (a)=OWI participants (b)=OAR/OAS participants

Question #4: How many individuals who, after completing a program, are re-arrested for a 3rd or subsequent offense of operating while intoxicated?

For long-term analysis of OWI recidivism rates, WisDOT staff identified 200 drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISP programs at that time. Table 19a summarizes the OWI re-arrest experience of these drivers. As of 12/1/02, about 28% had been rearrested (and convicted) of OWI, and only 6% had been re-arrested (and convicted) more than once.

TABLE 19a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 Who Completed an ISP Program¹¹

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 st Re-arrest	#	%	Average Days to 2 nd Re-arrest
Milwaukee	129	26	20%	706	3	2%	200
Kenosha	39	6	15%	435	4	10%	357
Eau Claire	18	6	33%	689	2	11%	797
Marathon¹²	14	6	43%	792	0	0%	0
4-County Total	200	44	22%	678	9	5%	402

Table 19b summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in April-December 1999 in Waukesha County. [It is necessary to have separate tables due to the different time frames referenced.] As of 12/1/02, about 22% had been rearrested (and convicted) of OWI, and 3% had been re-arrested (and convicted) more than once.

TABLE 19b: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in April-December 1999 Who Completed an ISP Program

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 st Re-arrest	#	%	Average Days to 2 nd Re-arrest
Waukesha	276	60	22%	378	8	3%	258

¹¹ Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/02.

¹² Only repeat OWI offenders who participated in the Marathon County ISP program were included in this cohort for analysis; repeat OAR and OAS offenders were not included.

Table 19c summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in July-December 2000 in Chippewa, Forest/Vilas/Oneida counties. As of 12/1/02, about 9% had been rearrested (and convicted) of OWI, and none had been re-arrested (and convicted) more than once.

TABLE 19c: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2000 Who Completed an ISP Program

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 st Re-arrest	#	%	Average Days to 2 nd Re-arrest
Chippewa	51	4	8.0%	35	0	0%	0
F-V-O	15	1	7.0%	271	0	0%	0
Racine	73	7	10.0%	246	0	0%	0
4 County Total	139	12	9.0%	178	0	0%	0

Table 19d summarizes the OWI re-arrest experience of drivers who successfully completed an ISP program after being arrested for a second or subsequent OWI offense in August-December 2000 in Racine County. As of 12/1/02, about 10% had been rearrested (and convicted) of OWI, and none had been re-arrested (and convicted) more than once.

TABLE 19d: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in August-December 2000 Who Completed an ISP Program

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 st Re-arrest	#	%	Average Days to 2 nd Re-arrest
Racine	73	7	10%	246	0	0-%	0

Question #5: How many individuals eligible to participate in a program who did not complete a program and who, after becoming eligible to participate in the program, are arrested for a 3rd or subsequent offense of operating while intoxicated?

WisDOT staff identified a group of 219 drivers who were arrested for a second or subsequent OWI offense in July-December 1998 in the four counties that had active ISP programs at that time, but who did NOT participate in an ISP program. Their reasons for non-participation are unknown, but most likely these individuals simply did not meet the eligibility criteria defined by each county's ISP program provider.

Table 20a summarizes the OWI re-arrest experience of these drivers. As of 12/1/02, more than one in three (37%) had been rearrested (and convicted) of OWI, and 11% had more than one OWI re-arrest (and conviction). Waukesha and Racine County are not included in the Did Not participate chart because their programs are mandatory for repeat drunk drivers.

TABLE 20a: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 1998 Who Did NOT Participate an ISP Program¹³

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 st Re-arrest	#	%	Average Days to 2 nd Re-arrest
Milwaukee	121	47	39%	266	13	11%	176
Kenosha	24	7	29%	435	4	17%	357
Eau Claire	38	15	39%	544	3	8%	742
Marathon¹⁴	36	12	33%	531	3	8%	587
4 County Total	219	81	37%	371	23	11%	335

¹³ Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/02.

¹⁴ Only repeat OWI offenders in Marathon County were included in this group for analysis.

Table 20b summarizes the OWI re-arrest experience of 31 drivers who were arrested for a second or subsequent OWI offense in July – December 2000 in Chippewa, Forest, Vilas and Oneida counties, but who did NOT participate in an ISP program. As of 12/1/02, nearly one in four (37) had been rearrested (and convicted) of OWI, and none had more than one OWI rearrest (and conviction).

TABLE 20b: Recidivism Rates for Repeat OWI Offenders Who Had OWI Violations in July-December 2000 Who Did NOT Participate an ISP Program¹⁵

	# in Group	Re-Arrested Once for OWI			Re-Arrested Twice for OWI		
		#	%	Average Days to 1 st Re-arrest	#	%	Average Days to 2 nd Re-arrest
Chippewa	16	2	13%	42	0	0%	0
F-V-O	15	9	60%	163	0	0%	0
4County Total	31	11	35%	141	0	0%	0

A comparison of the recidivism data in Tables 19a, 19c, 20a and 20b reveals the following:

- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested for OWI than were repeat offenders who did not participate in an ISP program.
- Repeat OWI offenders who successfully completed an ISP program and were re-arrested once for OWI had a longer average elapsed time (from their previous OWI arrest) than repeat offenders who did not participate in an ISP program.
- Repeat OWI offenders who successfully completed an ISP program were less likely to be re-arrested more than once for OWI than were repeat offenders who did not participate.

¹⁵ Recidivism for this analysis means re-arrested and convicted of a third or subsequent OWI by 12/1/02.